

1 DUANE M. GECK (State Bar No. 114823)
2 DAVID E. PINCH (State Bar No. 124851)
3 DONALD H. CRAM (State Bar No. 160004)
4 SEVERSON & WERSON
5 A Professional Corporation
One Embarcadero Center, Suite 2600
San Francisco, CA 94111
Telephone: (415) 398-3344
Facsimile: (415) 956-0439

6 Attorneys for Plaintiff
7 FORD MOTOR CREDIT COMPANY,
LLC, a Delaware Limited Liability
Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12 FORD MOTOR CREDIT COMPANY, LLC, a
Delaware Limited Liability Company,

Plaintiff,

15 LEWIS FAMILY ENTERPRISES, INC. dba
16 BOB LEWIS LINCOLN MERCURY, a
17 California Corporation, and STEVEN
ROBERT LEWIS, an individual.

Defendants.

Case No.: C 07-03301 JW

**DECLARATION OF DONALD H.
CRAM, III IN SUPPORT OF FORD
MOTOR CREDIT COMPANY, LLC'S
OPPOSITION TO APPLICATION OF
DEFENDANTS TO SET ASIDE
DEFAULT**

Hearing Date: October 31, 2007

Time: 9:30 AM

Dept.: 4

Judge: Magistrate Richard Seeborg

Complaint filed: June 22, 2007

Trial Date: Not set

J. DONALD H. CRAM, III, declare and state:

22 1. I am an attorney who is licensed to practice in the State of California and before
23 this Court. I am one of the attorneys of record for the plaintiff in this action, Ford Motor Credit
24 Company, LLC (“Ford Credit”). I make this declaration on my own personal and first-hand
25 knowledge. If I were sworn as a witness before this Court I could testify competently and
26 completely to the following facts.

1 2. On June 26, 2007, at approximately 10:30 a.m. I telephoned Steven Robert Lewis
2 at (408) 497-0668. Mr. Lewis is the President of the defendant, Lewis Family Enterprises, Inc.,
3 dba Bob Lewis Lincoln Mercury (“Bob Lewis Lincoln Mercury”).

4 3. I informed Mr. Lewis that Ford Motor Credit Company would submit an Ex Parte
5 Application to seek a Writ of Possession and to seek a temporary restraining order. I advised Mr.
6 Lewis that if Bob Lewis Lincoln Mercury intends to oppose the application that it should file
7 opposition promptly with the Court. I also advised Mr. Lewis that if the Court elects to set a
8 specific time and location for a hearing on the application, I would give Bob Lewis Lincoln
9 Mercury additional notice of the time and location of the hearing. At that time Mr. Lewis
10 provided me with his email address.

11 4. I electronically transmitted copies of the application and all supporting documents
12 and the proposed orders to Mr. Lewis on the morning of June 26, 2007 at
13 stevelewis@boblewis.com. A true and correct copy of my email correspondence to Mr. Lewis is
14 attached hereto as “Exhibit A.”

15 5. After filing Ford Credit’s Consent to Proceed before the Magistrate Judge, on June
16 27, 2007, I spoke with Robert, Judge Seeborg’s law clerk, who asked for Mr. Lewis’ number to
17 determine whether the Defendants would also consent. I provided Robert with the number for
18 which I was able to contact Mr. Lewis. Later that day I spoke with Robert again who advised me
19 that Mr. Lewis could not consent because Defendants’ attorney, Gary Vandeweghe, was on
20 vacation and would return on the following Tuesday, July 3, 2007. As such, Judge Seeborg
21 reassigned the case to Judge Ware.

22 6. On June 29, 2007, the Court signed an Order granting Ford Credit’s request for a
23 temporary restraining order and scheduled a hearing to determine whether to grant Ford Credit’s
24 request for a writ of possession on July 26, 2007. On July 2, 2007, I electronically transmitted a
25 copy of the Court’s Order to Mr. Lewis at stevelewis@boblewis.com. In my communication to
26 Mr. Lewis, I requested that either he or Bob Lewis Lincoln Mercury’s lawyer contact me. A true
27 and correct copy of my email correspondence to Mr. Lewis is attached hereto as “Exhibit B.”

1 The Order was also personally served upon Bob Lewis Lincoln Mercury. I did not receive any
2 communication from the Defendants.

3 7. On July 5, 2007 the Court signed an Order resetting the hearing date on whether to
4 grant Ford Credit's request for a writ of possession from July 26, 2007 to August 2, 2007. On
5 July 6, 2007 I electronically transmitted a copy of the Court's Order to Mr. Lewis at
6 stevelewis@boblewis.com. In my communication to Mr. Lewis, I again requested that either he
7 or Bob Lewis Lincoln Mercury's lawyer contact me. A true and correct copy of my email
8 correspondence to Mr. Lewis is attached hereto as "Exhibit C." The Order was also personally
9 served upon Bob Lewis Lincoln Mercury. I did not receive any communication from the
10 Defendants.

11 8. On July 11, 2007, the Court Clerk issued a Notice continuing the hearing date on
12 whether to grant Ford Credit's request for a writ of possession from August 2, 2007 to August 1,
13 2007. On July 11, 2007 I electronically transmitted a copy of the Court Clerk's Notice to Mr.
14 Lewis at stevelewis@boblewis.com. In my communication to Mr. Lewis, I again requested that
15 either he or Bob Lewis Lincoln Mercury's lawyer contact me. A true and correct copy of my
16 email correspondence to Mr. Lewis is attached hereto as "Exhibit D." The Order was also
17 personally served upon Bob Lewis Lincoln Mercury. I did not receive any communication from
18 the Defendants.

19 9. On August 8, 2007, after the Court issued the Writ of Possession and entered
20 Defendants' default, I received a letter from David J. Stock memorializing certain alleged
21 representations made by a Ford Credit employee. A true and correct copy of this letter is attached
22 hereto as "Exhibit E." This was the first communication I received from Defendants. This letter
23 is also copied to Mr. Vandeweghe.

24 10. On August 9, 2007, I sent a letter response to Mr. Stock, a true and correct copy of
25 which is attached hereto as "Exhibit F."

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1 I declare under penalty of perjury under the laws of the United States and the State of
2 California that the foregoing is true and correct. Executed this 8th day of October, 2007 at San
3 Francisco, California.

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7 /s/ Donald H. Cram, III
Donald H. Cram, III

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